

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WESELY WILLIAMS,

Plaintiff,

vs

9:09-CV-643

MARY BAILEY, Correctional Counselor/Program  
Supervisor, B. SCHWEBLER, Correctional  
Counselor, D. MARTUSCELLO, Deputy  
Superintendent/Security, DAVID HALLENBECK,  
Deputy Superintendent of Program, All of  
Coxsackie Correctional Facility; MRS. MARDON,  
Correctional Counselor/Program Supervisor;  
KENNETH S. PERLMAN, Deputy Commissioner  
Program Services; and DR. PAOLANO,

Defendant.  
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APPEARANCES:

WESELY WILLIAMS

Plaintiff, Pro Se

05-A-1183

Coxsackie Correctional Facility

Box 999

Coxsackie, NY 12051

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendants

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The Capitol

Albany, New York 12224

ADRIENNE J. KERWIN, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

**DECISION and ORDER**

Plaintiff, Wesely Williams, commenced this civil rights action in June 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 3, 2010, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion to dismiss (Docket No. 14) be granted in part, and that all claims set forth in plaintiff's complaint, with the exception of his cause of action against defendant Bailey and Mardon alleging deprivation of equal protection, be dismissed with leave to replead within thirty days of any order adopting the report and recommendation. The plaintiff has filed objections to the report-recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which plaintiff has objected, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion to dismiss (Docket No. 14) is GRANTED in part;
2. All claims set forth in plaintiff's complaint, with the exception of his cause of action against defendant Mary Bailey and Mrs. Mardon alleging deprivation of equal protection, are DISMISSED with leave to replead within thirty days of this order which adopts the report and recommendation.

2. The Clerk is directed to return the file to the Magistrate Judge for any further pretrial procedures.

IT IS SO ORDERED.

  
United States District Judge

Dated: September 27, 2010  
Utica, New York.